

**10th Session of the Open-ended intergovernmental working group on
transnational corporations and other business enterprises
with respect to human rights**

JOINT ORAL STATEMENT OF CIDSE ET AL ON ARTICLE 8 - LEGAL LIABILITY

December 19th, 2024

Dear Chair,

I am speaking on behalf of CIDSE, Trócaire and CCFD-Terre Solidaire.

From our perspective, a system of legal liability that is comprehensive and victim-centred is essential to the future effectiveness of this Legally Binding Instrument in ensuring justice for victims, and persons and communities affected by human rights abuse and violation.

In that context, we propose the following modifications to Article 8:

- 8.1: “Each State Party shall adopt such measures as may be necessary to establish a comprehensive and adequate system of legal liability of legal and natural persons conducting business activities, within their territory, jurisdiction, or otherwise under their control, for human rights abuses and violations that may arise from their business activities or relationships, including those of transnational character, **across their whole value chains.**”
- 8.2(a) "responsive to the needs of victims, **affected persons and communities** as regards remedy, **including the right to effective remedy;** and"

Finally, we strongly urge the Chair to re-introduce Article 8.7 contained in the Third Draft, but not in the current draft. As explicitly provided for in the EU’s Corporate Sustainability Due Diligence, human rights and environmental due diligence must and cannot constitute a defence to corporate liability. For this reason, we strongly urge the re-insertion of Article 8.7 as follows:

- “When determining the liability of a natural or legal person for human rights abuses that may arise from their business activities or relationships, the competent court or authority can take into account whether the person undertook adequate human rights due diligence measures in accordance with Article 6, but compliance with applicable human rights due diligence standards shall not absolve from liability ipso jure.”

Thank you.

Delivered by Chris O’Connell, Trócaire